GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Andhra Pradesh Reorganization Act, 2014 - Enhancement of age of superannuation to the employees working in the State Public Sector Undertakings and Institutions included in SchedulesIX and X of A.P. Re-organization Act, 2014 – Amendment to G.O.Ms.No.102 dated: 27.06.2017 – Orders - Issued.

Finance (HR.IV-FR) Department

G.O.MS.No.138 Dated: 08-08-2017

Read the following:-

1. The Andhra Pradesh Re-organization Act, 2014.
2. The Andhra Pradesh Public Employment (Regulation of Age of superannuation) (Amendment) Act, 2014 (Act No.4/2014).
3. G.O.Ms.No.147, Finance (HR.IV-FR) Department, dated.30.06.2014.
4. G.O.Ms.No.112, Finance (HR.IV-FR), dated.18.06.2016.
5. Judgment of Hon'ble High Court in WP No.18205 and other of 2014 dated.07.03.2017.
6. Interim Orders of Hon'ble Supreme Court of India dated: 05.05.2017
7. G.O.Ms.No.102, Finance (HR-IV-FR) Department dated: 27.06.2017.
8. Interim Orders of Hon'ble Supreme Court of India dated: 31.07.2017

ORDER:

The G.O.Ms.No.102 dated 27.06.2017 was issued giving State Government's approval in- principle and conditional consent for extension of superannuation of 60 years to employees of institutions listed in the IX and X schedules of AP Reorganization Act of 2014. The conditions were laid down for the detailed examination of the working of the various Companies /Corporations / Societies and their financial capabilities so as to decide whether they are financially viable or not. The orders were to come into force prospectively after such examination. Also the Andhra Pradesh Public Employment (Regulation of age of Superannuation) Act, 1984 amended by Act No.4 of 2014 of the State Government would not automatically apply to the schedule IX and schedule X institutions as they are separate legal entities with their own Acts and Rules. Any decision on enhancement of superannuation age of employees would have to be taken by the board of directors / managing committees. As the State Government is the majority stakeholder, its approval of the decision of the governing body becomes necessary. After this, the rules / bye – laws of these institutions need to be amended to give effect to the decision. Any extension of retirement age would come into effect only from the date of issue of orders by the competent authorities. It follows therefore that the orders would be prospective.

2. Another reason for state government taking time on the issue was the fact that the matter of division of assets and liabilities of these institutions is still pending and the employees also have not been allocated between the states of Telangana and Andhra Pradesh. At this juncture enhancing the superannuation age for the employees would have complicated matters, because of which, more employees would opt for Institutions in Andhra Pradesh which would effect their viability.

3. Further some of these positions would have been filled by promotions in place of superannuated employees.

4. In the meantime different parties have approached the Hon'ble Supreme Court on the issue. Government after reconsideration issue the following amendment to the orders issued at para 5 of the G.O.Ms.No.102, Finance (HR.IV-FR) Department, dated 27.06.2017:

For	**Read**
These orders shall come into force prospectively from the date of issue of the orders by competent authorities after amending the relevant regulations/bye-laws.	These orders shall come into force with effect from 02.06.2014. The Companies /Corporations / Societies shall amend their relevant regulations / bye-laws accordingly.

5. In furtherance of this amended clause Government hereby order that the employees working in Companies /Corporations / Societies included in the Schedules IX and X of the Andhra Pradesh State Reorganisation Act, 2014, shall not be superannuated only on the ground of attainment of 58 years of age. In case such an employee is superannuated on that ground he / she shall be reinstated and continued up to 60 years.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVICHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
All Special Chief Secretaries / Principal Secretaries / Secretaries to Government.
All the Departments of Secretariat.
All the Heads of Departments.
All the Managing Directors/Chief Executive Officers of PSUs
The Advocate on Record for the State of Andhra Pradesh,
312, C.K.Daphtary Chambers,
Supreme Court of India,
New Delhi-110001.

//FORWARDED::BY ORDER//

SECTION OFFICER